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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 586—Legis. 5-50-7, Bangalore, dated 29—30th May 1950.

Ordered that the accompanying Provisional State Legislatures (Casual Vacancies) Order 1950, published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

New Delhi, the 20th May 1950. 221

S.R.O. 63.—The following Order made by the President is published for general information :—

THE PROVISIONAL STATE LEGISLATURES (CASUAL VACANCIES) ORDER, 1950.

C.O. 15.—In exercise of the powers conferred by clause (2) of article 388 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Provisional State Legislatures (Casual Vacancies) Order, 1950.

(2) It shall come into force at once.

2. The General Clauses Act, 1897, shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. In this Order—

(*a*) "casual vacancy" means a casual vacancy in the seat of a member of a House of the Legislature of a State functioning under article 382 or article 385, whether such casual vacancy has arisen before or after the commencement of the Constitution ;

(*b*) "Election Commission" means the Election Commission constituted under article 324 ;

(*c*) "election law" means a law making any such provisions as are referred to in clause (2) of article 388 ;

(*d*) "incidental matters" means all matters in connection with the filling of casual vacancies, including the decision of doubts and disputes arising out of, or in connection with, such vacancies.

4. As from the commencement of this Order, all election laws shall, in their application to the filling of casual vacancies and incidental matters, be subject to the exceptions and modifications directed by this Order.

5. (1) Notwithstanding anything contained in any election law, the Election Commission shall appoint a person or persons, whether by name or designation, to be an Election Tribunal for the decision of doubts and disputes arising out of or in connection with, the filling of a casual vacancy.

(2) The power to dismiss an election petition for non-compliance with the provisions of an election law, or to condone delay in filing an election petition, or to allow an election petition to be withdrawn shall, until an Election Tribunal is appointed under sub-paragraph (1), be exercisable by the authority by which such power was exercisable immediately before the commencement of the Constitution :

Provided that no such power shall be exercised except in consultation with and in accordance with the opinion of the Election Commission.

(3) In all election laws, references, in whatever form of words, to the person or body of persons appointed to inquire into an election petition shall be construed as references to the Election Tribunal appointed under sub-paragraph (1) and references, in whatever form of words, to the President and members of such body

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of persons shall be construed respectively as references to the President and members of the Election Tribunal appointed under sub-paragraph (1).

(4) Nothing in this paragraph shall apply to the decision of doubts and disputes arising out of, or in connection with, a primary election for the purpose of electing any candidate for a reserved seat or of constituting any electoral college in connection with the filling of a casual vacancy.

6. Except as provided in paragraph 5, and subject to the provisions of article 324, all powers exercisable by any authority under an election law immediately before the commencement of the Constitution shall, after such commencement, be exercisable by that authority.

7. In all election laws, references to British subjects shall be construed as references to citizens of India and Commonwealth citizens, and references to Rulers or subjects of an Acceding State or of an Indian State shall be omitted or construed as references to citizens of India as the context may require.

8. For the purpose of filling a casual vacancy in the seat of a member of the Legislative Assembly of West Bengal elected from a territorial or special constituency, the electoral roll of that constituency as it existed immediately before the commencement of the constitution shall be published in such manner and at such place in the constituency as the Governor of West Bengal may direct; and, notwithstanding anything in the election law, the electoral roll shall, upon such publication, be final and the validity of any such roll shall not be called in question in or by any court, tribunal or authority.

9. In Part I of the Table in the Fourth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, as subsequently amended, under the sub-heading "(ii) Rural", in the entry in the second column against the constituency Jalpaiguri-cum-Siliguri, after the words "Jalpaiguri district" the words "excluding municipal areas" shall be inserted.

10. The provisions of any election law in force in the State of Madhya Pradesh relating to the decision of doubts and disputes arising out of, or in connection with, elections to the Legislative Assembly of that State (including the provisions with respect to the persons by whom and the grounds on which election petition calling in question any such election may be entertained) shall, subject to such modifications as the Rajpramukh of the State of Madhya Bharat may, with the concurrence of the Election Commission, make, apply in relation to the decision of doubts and disputes arising out of, or in connection with the elections to fill casual vacancies in the Legislative Assembly of the State of Madhya Bharat.

11. (1) Notwithstanding anything contained in any election law, the General Clauses Act, 1897, shall apply for the interpretation of such law as it applies for the interpretation of a Central Act.

(2) All election laws shall be construed with such modifications as may be necessary for bringing them into accord with the provisions of the Constitution and of this Order.

12. If any difficulty arises in the application of any election law to the filling of casual vacancies or incidental matters, the President may, by order notified in the official Gazette, make such provisions as he considers necessary for the removal of such difficulty.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

No. L.D. 598—Legis. 6-50-4, dated Bangalore, 30th May 1950. 223

Ordered that the accompanying Notification No. S.R.O. 35, dated 8th May 1950, of Ministry of Home Affairs under Registration of Foreigners Rules, 1939, published in the *Gazette of India*, dated the 13th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 8th May 1950.

No. S.R.O. 35.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President is pleased to entrust to the Governments of Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin, with their consent, the functions of the Central Government under rule 3 of the Registration of Foreigners Rules, 1939.

No. L.S. 675-85—L.W. 71-50-6, dated Bangalore, the 30th May 1950.

In exercise of the powers conferred by sub-section (1) of Section 7 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) His Highness the Maharaja of Mysore is pleased to constitute an Industrial Tribunal for the adjudication, in accordance with the provisions of the said Act, of certain existing industrial disputes, and to appoint the following persons as the Chairman and Members of the said Tribunal:—

1. *Adl-ul-Mulk* C. Abdul Ghani, B.A., B.L. (Retired Judge, High Court of Mysore) ... ... *Chairman.*
2. *Rajadharmaprasakta* A. R. Nageswara Iyer, B.A., B.L. (Retired Judge, High Court of Mysore),
3. *Rajadharmaprasakta* T. Singaravelu Mudaliar, B.A., B.L. (Retired Judge, High Court of Mysore). } *Members.*

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And, under sub-section (1) of section 10 of the said Act, His Highness the Maharaja of Mysore is also pleased to refer the undermentioned disputes to the said Tribunal for adjudication :—

(1) *Re* **The Mysore Vegetable Oil Products, Ltd., Bangalore.**

(*a*) The workers' demand for—

(i) an enhancement of the present scales of Dearness Allowance with reference to the rise in the Cost of Living Index; and

(ii) giving effect to the enhanced scales of Dearness Allowance from 1st July 1949.

(2) *Re* **Sri Krishnarajendra Mills, Ltd., Mysore.**

(*a*) The workers' demand for increased wages of piece-workers and daily workers; confirmation of temporary workers with six months' service or more; change in the mode of calculation of Dearness Allowance and giving effect thereto from 1st March 1950, and increased rates to certain piece-workers who weave long-cloth with effect from the date on which certain looms started working; and

(*b*) The Management's proposal to discontinue payment of Attendance Bonus with effect from 1st March 1950, in modification of an Agreement, dated 6th July 1949, and to limit the working of the Mills to only one shift or, alternatively, to work both shifts for only three days in a week with effect from 1st March 1950.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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